

**REMARKS**

Applicant, by the amendments presented above and the arguments presented below, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 2-6, 8-12, 14, 16-20 and 22-27 are currently pending. Claims 1, 7, 13, 15 and 21 have been cancelled. Claims 23-27 are newly added.

***Newly Added Claims***

Applicant has added new claims 23-27 herein with claim 23 being an independent claim and claims 24-27 being ultimately dependent on independent claim 23.

Applicant contends that independent claim 23 is allowable because it requires a hydraulic punch which is hand-held and hand-operated wherein each of the hydraulic ram section, the hydraulic pump section and the elongated flexible hydraulic hose are configured such that a user can hold and operate the whole hydraulic punch with only the use of the user's hands. Applicant contends that the prior art cited by the Examiner in the Office Action, namely United States Patent No. 3,380,160 to Kirchberger et al., as well as each of the prior art references cited by the Applicant in the Information Disclosure Statement, do not disclose such a hydraulic punch.

More specifically, with regard to the Kirchberger et al. patent, while the punch is hand-operated and portable, the Kirchberger et al. patent does not disclose or even suggest that the entire punch is hand-held. The Kirchberger et al. patent includes, as best illustrated in FIGS. 2 and 3, a ram section and a pair of elongated hoses which are connected to a control means (which is not shown or discussed in any detail). The Kirchberger et al. patent does not disclose or teach that the control means is hand-held. Further, FIG. 3 as well as the

specification of Kirchberger et al. discuss mounting the ram section to a battery casing, and then manipulating the ram section, as well as the control means, to punch through the battery casing. Thus, the tool of the Kirchberger et al. patent cannot be said to be hand-held.

Therefore, Applicant respectfully requests consideration and allowance of newly presented independent claim 23. Applicant further respectfully requests consideration and allowance of newly presented dependent claims 24-27 as they are all ultimately dependent upon independent claim 23 which Applicant contends is in condition for allowance.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Date: 12/18/03

By: 

Richard A. Giangiorgi, Reg. No. 24,284  
Linda L. Palomar, Reg. No. 37,903  
James A. O'Malley, Reg. No. 45,952  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 W. Adams Street, 36<sup>th</sup> Floor  
Chicago, Illinois 60603  
(312) 704-1890

599796